

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Application of:

Martin J. GOLDBERG *et al.*

Application No.: 09/776,770

Filed: February 6, 2001

For: METHODS AND COMPOSITIONS FOR
AMPLIFYING DETECTABLE SIGNALS
IN SPECIFIC BINDING ASSAYS

Group Art Unit: 1634

Examiner: J. T. Cleveland

Commissioner for Patents
Washington, DC 20231

Sir:

RESPONSE TO ELECTION REQUIREMENT

In response to the Election Requirement dated February 27, 2002 (Paper No. 6), the period for reply to which extends through March 27, 2002, Applicants hereby elect **with traverse** the invention identified in the Office Action as Group I, claims 1-27, drawn to a method for detecting a nucleic acid target. An action on the merits is requested.

This election is traversed as it is respectfully submitted that a thorough search for any one group would necessarily encompass a search for all of the groups. It is noted that all groups have been commonly classified in Class 435, subclass 6. Accordingly, the Examiner recognizes that all three Groups are drawn to a common subject by the Examiner's own classification of the claims.

Thus, it is respectfully submitted that the search and examination of the entire application could be performed without serious burden. M.P.E.P. § 803 states that "if the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes two distinct or independent inventions." It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to the Applicants and duplicative examination by the Patent Office.

The Examiner is respectfully requested to reconsider and withdraw the restriction requirement and to examine all claims in this application.

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Applicants believe that no fees are required with this filing, however, except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

March 26, 2002

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